

REMARKS

Allowance of the present Application is respectfully requested. By the present response, paragraph 180 of the Application has been amended. No new matter is added by this Response.

I. A Sufficient Antecedent Basis Exists For Claim 46

The Office has rejected Claim 46 as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention pursuant to 35 U.S.C. § 112, second paragraph. Applicant respectfully traverses this rejection.

Claim 46 is directed to an aluminum-free compound with “a hydrotalcite type structure.” The Office stated that there was not a sufficient antecedent basis for the limitation “hydrotalcite,” contending that a hydrotalcite is an aluminum-based compound. However, Applicant respectfully submits that the Office misreads the Application. Specifically, Applicant directs the Office to paragraph 180 of the Specification which, as amended, states, “CTFeCa and CTFeMg were mixed metal hydrotalcites, having a predicted ratio of Mg²⁺ or Ca²⁺:Fe³⁺ of 3:1... .” This excerpt from the Application clearly discloses a hydrotalcite which is free of aluminum. As such, Applicant submits that there is a sufficient antecedent basis for an aluminum-free compound with a hydrotalcite type structure, as set-forth in Claim 46.

II. Double-Patenting Rejection

The Office rejected Claims 16-23, 25-28 and 43-47 on the grounds of the non-statutory obviousness-type double patenting rejection over claims 1-10 of U.S. Patent No. 6,926,912. In response, Applicant responds by stating they will submit a terminal disclaimer once allowable subject matter is indicated.

The instant Application is believed to be in condition for allowance. Early and favorable consideration of this Application is respectfully requested.

Respectfully submitted,

Dated: May 7, 2008

/ Lawrence S. Pope /

Lawrence S. Pope
Registration No. 26,791
Direct No. (312) 701-8286

CUSTOMER NUMBER 26565

MAYER BROWN LLP

P.O. Box 2828

Docket No. 40304772

Chicago, IL 60690-2828
Telephone: (312) 701-8286
Facsimile: (312) 706-9142